

<sup>61</sup>  
75. (NEW) A point calculation system according to claim 1, wherein the point calculation rate is determined by chance for a customer.

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76. (NEW) A point calculation system according to claim 1, wherein the point calculation rate is determined by monitoring cumulative points of a customer.

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77. (NEW) A point calculation system according to claim 1, wherein the point calculation rate is determined by collective accumulation of points for a group of customers.--

#### REMARKS

In the Office Action mailed September 19, 2000, claims 1-9, 11, 13-16, 19-23, 27, 31, 36, and 38-63 were rejected under 35 U.S.C. 103 as being unpatentable over Schultz et al (U.S. Patent No. 5,056,019) in view of Ikeda et al. (U.S. Patent No. 5,937,391). The foregoing rejections are traversed.

In accordance with the foregoing, claim 1 is amended and new claims 67-77 are added. Claims 10, 12, 17, 18, 24-26, 28-30, 32-35, and 37 were canceled in the Preliminary Amendment filed October 8, 1999. Thus, claims 1-9, 11-16, 19-23, 27, 31, 36, and 38-77 are pending and under consideration.

In the Action, the Examiner asserted that claims 1-9, 11, 13-16, 19-23, 27, 31, 36, and 38-63 were pending in the subject application (the Examiner asserting that new claims 40-63 having been added). However, new claims 40-66 were added in the Preliminary Amendment filed October 8, 1999. \*For the convenience of the Examiner, the recitations of new claims 64-66 as presented in the subject Preliminary Amendment are repeated herein above.

The Examiner's reliance upon Ikeda as a reference is respectfully traversed. The above-mentioned application is a Divisional of U.S. Serial No. 08/864,762, filed May 29, 1997, which is a Continuation of U.S. Serial No. 08/187,543 filed January 28, 1994.

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Therefore, the effective filing date under 35 U.S.C. 120 for the subject matter claimed in the above-mentioned application is January 28, 1994, which pre-dates the U.S. filing date of Ikeda (May 29, 1997).

Accordingly, the Examiner is respectfully requested to identify the basis (that is, the 35 U.S.C. 102 basis) for the Examiner's reliance upon Ikeda as a reference applied against the subject application, or withdraw the Examiner's reliance upon Ikeda to reject the foregoing claims of the present application.

Upon the Examiner's withdrawal of reliance upon Ikeda as a reference, it is understood and therefor submitted that the above-mentioned rejections under 35 U.S.C. 103 are obviated.

US Patent No. 5056019 (Schultz et al.) is directed to a method for effecting manufacture purchase reward offers. The Schultz method comprises the steps of: identifying products for which reward offers will be provided, compiling the purchase reward offers for circulation to potential offerees, providing each of the potential offerees an identification card with a consumer identification code thereon, storing information regarding the purchase reward offers in the in-store computer data banks and in the management data banks, identifying an offeree at the point-of-sale terminal by reading the consumer identification code of the offeree, comparing products purchased by the identified offeree at the point-of-sale terminal with the stored information regarding the purchase reward offers, identifying purchase reward offers available to the identified offeree for the purchased products, recording a purchase transaction of products for which rewards are available to the identified offeree, and identifying in the listing the identified offeree's progress toward completion of the requirements for purchase reward offers available to the identified offeree.

US Patent No. 5,937,391 (Ikeda et al.) is directed to a point-service system for use in an online shopping mall established in a network. The Ikeda apparatus comprises point issuing means for issuing points depending on a purchase amount of a customer and points issue ratio defined as a number of issued points corresponding to the purchase amount of the customer, points management means for storing points issued by the points issuing means and

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accumulated by the customer, and points redeeming means for redeeming points according to a point redeeming ratio defined as the redemption based on the number of points within a number of accumulated points of the customer stored by the point management means and for decreasing the number of the accumulated points of the customer.

Claims 1, 54, 56, and 57-63 are independent claims.

Neither of the foregoing references relied upon, either alone or in combination, discloses or suggest the features of the present invention recited in the pending claims.

Each of independent claims 1 and 54 of the present application recites "point issue means", "point accumulation means", "point notification means", and "customer identification means".

Claim 1 of the present application further recites "wherein the point issue means comprises rate management means for changing a point calculation rate determined by predetermined transaction conditions in correspondence with each of the transactions according to each of the transactions".

Claim 54 of the present application further recites "point storing means".

Each of independent apparatus claims 56-59 (and corresponding independent method claims 60-63) recites (using the recitation of the apparatus claims as an example) "means for accumulating points" and "rate management means".

Each of the foregoing independent claims 56-63 also recites (again using the recitations of the apparatus claims as an example) "means for notifying each customer".

None of the foregoing references relied upon, either alone or in combination, discloses or suggests the foregoing features of the present invention.

Dependent claims 2-9, 11, 13-16, 19-23, 27, 31, 36, 38-55, and 64-77 recite patentably distinguishing features of their own. For example, claim 2/1 recites "wherein the point notification means notifies the customer of the point information as primary data through a customer terminal as soon as the customer terminal is turned ON".

Withdrawal of the foregoing rejections under 35 U.S.C. 103 is respectfully requested.

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In the Office Action Summary, the Examiner asserts that the drawings are objected to by the Examiner. However, no objections to the drawings are asserted in the Action. The Examiner is respectfully requested to clarify whether the drawings are objected to by the Examiner, and, if so, to present particular reasons for objecting to the drawings.

Moreover, the Examiner is respectfully requested to approve the drawing changes requested in the Letter to the Examiner Requesting Approval of Changes to the Drawings filed October 8, 1999.

The Examiner is respectfully requested to acknowledge the claim for the benefit of priority under 35 U.S.C. 119 and receipt of the certified copies of the priority documents in application U.S. Serial No. 08/187,543, to which the above-mentioned application claims the benefit of priority under 35 U.S.C. 120.

In addition, on page 21 of the Action, the Examiner refers to "Kepecs" and "Eggleston" as references. However, it does not appear that either "Kepecs" or "Eggleston" was cited on any Form PTO-892 (or Form PTO-1449). The Examiner is respectfully requested to cite both "Kepecs" and "Eggleston" on a Form PTO-892 and forward a copy of same to the undersigned.

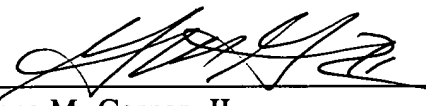
There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that affect is courteously solicited.

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Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,  
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